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10/761,562	01/21/2004	Thomas Boyland	018381.0004	3445

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EXAMINER

ABDELSALAM, FATHI K

ART UNIT	PAPER NUMBER
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4176

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/761,562	Applicant(s) BOYLAND ET AL.	
	Examiner Fathi Abdelsalam	Art Unit 4176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20040429</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. This action is in response to applicant's communication filed on 01/21/2004, wherein claims 1-35 are currently pending.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 04/29/2004 is being considered by the examiner.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-30 are drawn to a computer program *per se*. Computer programs *per se* intrinsically require no tangible physical structure, thus do not constitute tangible physical articles or other forms of matter. Therefore, computer programs *per se* are not considered to be statutory subject matter. To be statutory, a computer program must be: (1) coupled with or combined with some statutory physical structure, and, (2) produce or effect some useful, concrete, and tangible result..

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in:

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Weber (US 2003/0093346).

7. Regarding Claims 1 and 16:

Weber discloses a system and method for facilitating the processing and management of applicants, comprising:

an applicant component enabling at least one member of a first user type from a first client device to submit primary application-related information, said information

including at least applicant identification information ([Para. 0024, lines 5-10]; [Para. 0052, lines 12-15]);

a management component for receiving and storing said primary application-related information, said management component including a personalization component for creating and personalizing secondary application-related information based on said primary application-related information ([Abstract]; [Para. 0023, lines 1-6]; [Para. 0044, lines 21-24]); and

a communications component for providing said secondary application-related information to said at least one first user type member and for communicating primary application-related information to a pre-determined member of a second user type via a second client device ([Para. 0015, lines 3-5]; [Para. 0050]; [Claim 7]).

8. Regarding Claims 2 and 17:

Weber discloses a system and method wherein said primary application-related information includes at least one of: online application, transcript, recommendation document, report card, photograph, video clip, audio clip (Abstract, lines 16-19).

9. Regarding Claims 3 and 18:

Weber discloses a system and method wherein said secondary application-related information includes an application status or a notification ([Para. 0050, lines 13-16]; [Claim 10]).

10. Regarding Claims 4 and 19:

Weber discloses a system and method wherein said second user type member is pre-determined based on said primary application-related information ([Para. 0024, lines 14-6]; [Para. 0041, lines 20-26]).

11. Regarding Claims 5 and 20:

Weber discloses a system and method wherein said second user type member is pre-determined according to an age or education level associated with said first user type member (Para. 0023, lines 8-11).

12. Regarding Claims 6 and 21:

Weber discloses a system and method wherein said personalization component includes a forms management component enabling said at least one second user type member to generate secondary application-related information in the form of at least one of: a confirmation letter, a reminder letter, a status letter (Claim 53).

13. Regarding Claims 7 and 22:

Weber discloses a system and method wherein said management component can receive said primary application-related information in a plurality of electronic file types ([Para. 0057, lines 13-16]; [Claim 31]).

14. Regarding Claims 8 and 23:

Weber discloses a system and method wherein said management component includes a content management component for receiving, viewing, editing, deleting, organizing, describing and searching content related to said application ([Abstract]; [Para. 0023, lines 1-6]).

15. Regarding Claims 9 and 24:

Weber discloses a system and method wherein said management component enables at least one member of a second user type from a second client device to evaluate said primary application-related information (Para. 0016, lines 1-5).

16. Regarding Claims 10 and 25:

Weber discloses a system and method wherein said applicant, management and communications components can be customized by said at least one second user type member (Abstract, lines 19-21).

17. Regarding Claims 11 and 26:

Weber discloses a system and method wherein said management component enables said at least one second user type member to post notes to said primary application-related information, said notes being stored by said management

component in connection with said primary application-related information ([Claim 10]; [Para. 0068, lines 14-17]).

18. Regarding Claims 12 and 27:

Weber discloses a system and method wherein said stored notes are communicated to a wireless device in communication with said management component (Para. 0042 , lines 8-11).

19. Regarding Claims 13 and 28:

Weber discloses a system and method wherein said applicant component further includes a status check component whereby said first user type member can request an application status via said communications component (Para. 0050, lines 13-16).

20. Regarding Claims 14 and 29:

Weber discloses a system and method further including an access control component whereby said at least one second user type member can allow access to manage content related to said application to at least one additional second user type member ([Para. 0024, lines 5-10]; [Para. 0044, lines 1-4]).

21. Regarding Claims 15 and 30:

Weber discloses a system and method further including an integration component for integrating said applicant, management and communications components with an offline admissions database ([Para. 0066, lines 33-35]; [Para. 0068, lines 3-7]).

22. Regarding Claim 31:

Weber discloses an article of manufacture comprising a computer instruction carrier, readable by a computer, tangibly embodying one or more instructions executable by the computer to perform a method for facilitating the processing and management of applicants ([Para. 65, lines 1-3]; [Abstract Figure]; [Figure 1]),

the method comprising the steps of:

providing an applicant component enabling at least one member of a first user type from a first client device to submit primary application-related information, said information including at least applicant identification information ([Para. 0024, lines 5-10]; [Para. 0052, lines 12-15]);

providing a management component for receiving and storing said primary application-related information, said management component including a personalization component for creating and personalizing secondary application-related

information based on said primary application-related information ([Abstract]; [Para. 0023, lines 1-6]; [Para. 0044, lines 21-24]); and

providing a communications component for providing said secondary application-related information to said at least one first user type member and for communicating primary application-related information to a pre-determined member of a second user type via a second client device ([Para. 0015, lines 3-5]; [Para. 0050]; [Claim 7]).

23. Regarding Claim 32:

Weber discloses a content processing and publication tool, comprising:

a server for storing application-related content and programming for managing said content for use in processing at least one application for admission ([Abstract, lines 1-7]; [Figure 1]);

a first user interface in communication with said server for enabling at least one member of a first user type from a first client device to submit an application for admission ([Para. 0024, lines 5-10]; [Para. 0052, lines 12-15]);

a management component in communication with said server for receiving and storing said application ([Abstract]; [Para. 0023, lines 1-6]; [Para. 0044, lines 21-24]);

for notifying at least one member of a second user type of said stored application, and for populating secondary application-related information with first user type information ([Para. 0050, lines 13-16]; [Claim 10]);

a second user interface in communication with said server enabling said at least one second user type member from a second client device to receive and view said application for admission ([Abstract]; [Para. 0023, lines 1-6]);

submit notes for appending to and storing with said application for admission ([Claim 10]; [Para. 0068, lines 14-17]); and

for retrieving schedule information pertaining to at least one member of a first user type (Claim 31); and

a communications component for communicating secondary application-related information to said at least one first user type member ([Claim 10]; [Claim 31]).

24. Regarding Claim 33:

Weber discloses system wherein said communications component communicates an evaluation status to said at least one first user type member upon receiving a request from said at least one first user type member via said first user interface ([Claim 10]; [Claim 31]).

25. Regarding Claim 34:

Weber discloses a system wherein said communications component communicates an evaluation status to said at least one first user type member upon receiving said evaluation status from said second user type member via said second user interface ([Para. 0050, lines 13-16]; [Claim 10]; [Claim 31]).

26. Regarding Claim 35:

Weber discloses a system further including a scheduling component for allowing said first or said second user type member to schedule an in-person meeting via a respective one of said user interfaces (Claim 10).

Conclusion

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fathi Abdelsalam whose telephone number is (571) 270-3517. The examiner can normally be reached on Monday to Thursday 8:00-5:00pm ET.

28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/F. A./
Examiner, Art Unit 4176

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 4176